IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1976 OF 2005

Shri.Sapan Haripad Panja ..Petitioner
Vs.
State of Maharashtra ..Respondents

...
Ms.Archana Khan Advocate for Petitioner
Mr.V.B.Konde-Deshmukh A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 31,2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State. Leave to amend granted. Amendment to be carried out forthwith.

2. Rule. By consent, rule is taken up forthwith for final hearing.

3. The petitioner has prayed for quashing of C.R.No.138 of 2003 of Vakola Police Station. The said C.R. pertains to Sessions Case No. 743 of 2003. The said case is under Sections 395, 411, 492 and 120-B of IPC. It is not the prosecution case that petitioner was one of the persons who had committed dacoity. It is the prosecution case that petitioner was involved in criminal conspiracy with

the other accused persons in order to commit dacoity at Sangita Jewellers at Vakola on 5.4.2003.

4. The applicant is a craftsman dealing in preparation of jewellery. The only material against the applicant is that one of the co-accused i.e. Biharilal Gupta had approached him and told him that he wants to sell certain gold ornaments. On this being told to the petitioner, the petitioner made arrangements to get gold melted and thereafter, the gold came to be sold. Besides this, there is no other material against the applicant. There is nothing gathered by the Investigating Agency to show that the petitioner had 'dishonestly' received the stolen property so also there is no material to infer that the applicant was involved in a criminal conspiracy to commit said dacoity and disposing of the stolen property. Looking to the material gathered during the investigation of this case, I find that there is no sufficient material to proceed as far as the present petitioner is concerned, hence, rule is made absolute in terms of prayer clause (a-i).

5. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]